

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

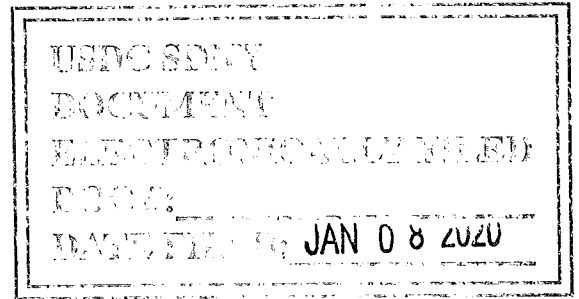
Peloton Interactive, Inc.,

Movant,

—v—

Flywheel Sports, Inc.,

Respondent.



19-mc-553 (AJN)

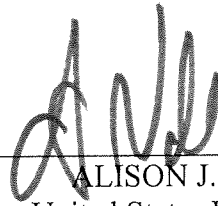
ORDER

ALISON J. NATHAN, District Judge:

Peloton Interactive, Inc. filed this motion to quash the document subpoena issued to non-party VR Optics, Inc. by Flywheel Sports, Inc., on September 12, 2019. The subpoena was served by Flywheel on VR Optics as part of patent litigation between Peloton and Flywheel before Judge Robert W. Schroeder III and Magistrate Judge Roy S. Payne in the Eastern District of Texas. *See Peloton Interactive, Inc. v. Flywheel Sports, Inc.*, No. 2:18-cv-00390 (RWS)(RSP) (E.D. Tex.). Under Federal Rule of Civil Procedure 45(f), a court “may transfer a motion [to quash a subpoena] . . . to the issuing court if the person subject to the subpoena consents.” In the parties’ memoranda of law, they represent to the Court that Peloton, Flywheel, and VR Optics—the non-party subject to the subpoena—all consent to the transfer of this motion to the Eastern District of Texas. *See* Dkt. No. 13 at 2, 12; Dkt. No. 16 at 1. Because this subpoena relates to ongoing litigation before Judge Schroeder and Magistrate Judge Payne in the Eastern District of Texas, the Court determines that they are significantly better suited to decide this matter. The Court therefore TRANSFERS this motion. The Clerk of the Court is respectfully directed to transfer this case to the Eastern District of Texas.

SO ORDERED.

Dated: January 8, 2020
New York, New York

A handwritten signature in dark ink, appearing to read 'A. Nathan', is written over a horizontal line.

ALISON J. NATHAN
United States District Judge